



Northeast Judicial District

Caseflow Management Plan



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Committee Members

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Northeast Caseflow Management Plan

The following caseflow management plan and policies are adopted to efficiently manage and distribute the judicial case load in the Northeast Judicial District. Cases in the Northeast Judicial District will be processed and disposed of in a manner consistent with the goals, objectives, procedures and forms of the master and individual calendar policy set forth in this document. Continuances in court hearings cause delay in disposition of cases. It is the goal of the Northeast Judicial District to limit continuances that delay disposition of cases except for a showing of good cause. Nothing contained in this plan will supersede or conflict with any statutes or policies, Rules of Court that now exist or are hereinafter adopted by the North Dakota Supreme Court.

Case Management Plan Goals and Objectives

The goals of the Northeast Judicial District Case Management Plan are to:

- 1) Manage the judicial caseload as efficiently as possible in meeting the case disposition timing objectives.
- 2) Maintain a system of regular judicial attendance in each county in a fair and equitable manner.
- 3) Develop judicial schedules that are divided into master and individual calendars based on volume and need.
- 4) Promote and maintain uniform procedures and forms Unit-wide as appropriate.

The objectives of case management policy are to:

- 1) Identify cases where judicial continuity is not essential and the amount of judicial time involved is relatively short, assigning those cases to a master calendar. The management of the master calendar is the responsibility of the clerk of district court in consultation with the Presiding Judge and unit court administrator.
- 2) Identify cases where judicial continuity is essential. The management and disposition of individually assigned cases is the responsibility of the assigned judge.

- 3) Develop Unit wide procedures and forms as appropriate that are easily understandable by litigants.

General Procedures

Judicial Assignment to Counties

Judges will be assigned primary and secondary duties pursuant to. Northeast Judicial District Local Rule 1.–See Appendix A.

Current assignments and Presiding Judge order:

County	Primary Judge	Secondary Judge
Benson	Judge Foughty (Judgeship #4) OR Judge Olson (Judgeship #1) <i>(Master Calendar Judge for Month)</i>	Judge Foughty (Judgeship #4) OR Judge Olson (Judgeship #1) <i>(Non-Master Calendar Judge for Month)</i>
Bottineau	Judge Benson (Judgeship #3)	Judge Hurly (Judgeship #7)
Cavalier	Judge Fontaine (Judgeship #5)	Judge Whelan (Judgeship #6)
McHenry	Judge Hurly (Judgeship #7)	Judge Benson (Judgeship #3)
Pembina	Judge Fontaine (Judgeship #5)	Judge Whelan (Judgeship #6)
Pierce	Judge Hurly (Judgeship #7)	Judge Benson (Judgeship #3)
Ramsey	Judge Foughty (Judgeship #4) OR Judge Olson (Judgeship #1) <i>(Master Calendar Judge for Month)</i>	Judge Foughty (Judgeship #4) OR Judge Olson (Judgeship #1) <i>(Non-Master Calendar Judge for Month)</i>
Renville	Judge Benson (Judgeship #3)	Judge Hurly (Judgeship #7)
Rolette	Judge Benson (Judgeship #3)	Judge Hurly (Judgeship #7)
Towner	Judge Hurly (Judgeship #7)	Judge Hurly (Judgeship #7)
Walsh	Judge Whelan (Judgeship #6)	Judge Fontaine (Judgeship #5)

Scheduling Master and Individual Calendar

Session Creation

Current Practices – See **Appendix B**.

Master Calendar

Clerks will primarily be responsible for calendaring and entry in Odyssey for *master calendar* days which generally include the cases as outlined below. Specific *master calendar* events listed by county are located in **Appendix C** as some variances may exist.

Master Calendar Assignment and Scheduling by judge/county

- **Bottineau/Renville/Rolette**: Judge Benson
 1. Bottineau – Every Tuesday (future -- perhaps some Fridays)
 2. Rolette – Every Monday
 3. Renville – One “non-set” day per month. Scheduled as required.
- **McHenry/Pierce/Towner**: Judge Hurly
 1. Pierce – Every Monday
 2. McHenry - 1st, 3rd and 4th Tuesday
 3. Towner – 2nd Tuesday of the month
- **Benson and Ramsey**: Judges Olson and Foughty
 1. Benson – 2nd and 4th Mondays
 2. Ramsey - Every Monday Morning, Juvenile Court – 1st Wednesday of the – month All Day, 2nd & 4th Wednesdays – Mornings Only.
- **Cavalier/Pembina**: Judge Fontaine
 1. Cavalier - Two Monday’s per month (on alternating weeks)
 2. Pembina – Two Tuesdays per month (on alternating weeks)
- **Walsh**: Judge Whalen is only assigned to Walsh County and they have *master calendar* scheduled for each Monday of the month.

Criminal

- Orders to Show Cause
- Initial Appearances/Arraignments
- Initial Appearance on Extraditions
- Administrative Traffic

Civil

- Name Change
- Small Claims

Juvenile

- Juvenile Applications – send directly to a judge

Probate

- Uncontested Guardianship/Conservatorship Matters
- Uncontested Formal Probate Procedures

The *master calendar* judge in each county will be responsible for signing routine paperwork. If a master calendar judge is unavailable, the papers may be forwarded to the secondary judge. Documents that are received by the clerk should be held for the *master calendar* judge’s signature if it would not unduly delay the process, or routed to the secondary judge serving that county. If the secondary judge is unavailable, forward documents to the Presiding Judge. The clerk in each county should work with their primary judge to determine a procedure to process documents received by the clerk.

Individual Calendars – Court Recorders/Reporters

Judges will calendar for *individual calendar* days which generally include the cases as outlined below. Specific *individual calendar* events listed by county are located in **Appendix C** as some variances may exist.

Criminal

- Pretrial and Motion Hearings
- Settlement Conference
- Guilty Plea
- Court/Jury Trial
- Revocation Hearing (admit/deny/disposition)
- Other Post-Sentence Hearings (felony only)
- Rule 35 Proceedings (enter order only)

Civil

- Motion Hearings
- Summary Judgment Hearings
- Rule 16 Scheduling Conferences
- Pretrial Conferences
- Default Hearings
- Interim Orders in Divorce Matters
- Court Trial
- Jury Trial
- Civil Commitments for Sexually Dangerous Individuals
- Contested Adoptions
- Post-Conviction Relief

Juvenile

- All Juvenile Matters

Probate

- Contested Probate Matters
- Contested Guardianship/Conservatorship Matters

Secondary Judge Assignments

- 1) If a *demand for change of judge* is filed, all cases with the exception of non-criminal traffic offense cases are submitted to the Presiding Judge for assignment. The non-criminal traffic cases will automatically be transferred to the secondary judge in the service area (secondary judge is the non-master judge in Benson and Ramsey Counties). Please see **Appendix D** for an order relating to this practice.
- 2) If a recusal is filed by a judge, the case should be referred to the Presiding Judge.

Case Management Responsibilities and Duties

- 1) It is the joint responsibility of the clerk of court, judge and juvenile court officers to implement proper case management of which docket currency is an integral part.
- 2) Odyssey should, at all times, reflect pending activity or have a future time standard entered. Timely entry of events is required for each case.

- 3) Clerks are expected to manage the overdue case listing each month and correct any issues. This will allow the assigned judge to review the file and take the appropriate action to bring the case into compliance with the time standards established in Administrative Rule 12 and report any cases pursuant to policy 507.

Media

1. Administrative Rule 21 is followed.
2. Order form located in **Appendix E**.

Technology – Teleconferences and Interactive Television

- 1) Use of Teleconferences
 - a. Applicable Rules:
 - i. **Civil:** Reference Rule 43 of the NDRCivP
 - ii. **Criminal:** Rule 26 of the NDRCrimP (refers to a case, *State v. Lemons, 2004 ND 44, 675 N.W.2d*, where telephone testimony was not allowed because a party objected to it.)
- 2) Use of Interactive Television/Interactive Video Network
 - a. Administrative Rule 52 – Interactive Television:
 - b. Section 4. Criminal Action (B)(2) and Section 5. Mental Health Proceedings (A)(2) pertain to witnesses
 - c. Form Example - See **Appendix F**.

Criminal Procedure

Judicial Assignment

Judge assigned upon case initiation pursuant to Northeast Judicial District Local Rule 1.

In criminal cases, the notification of the assigned Judge should be sent to the parties as part of the first scheduling order issued by the clerk in the case. This would typically be the notice of arraignment or trial date on a misdemeanor offense(s), or preliminary hearing in a felony case.

Scheduling Order/Notices/Prepared and filed by the assigned judge in criminal matters.

Civil Procedure

Judicial Assignment

Judge assigned upon case initiation pursuant to Northeast Judicial District Local Rule 1 and refer to memo issued by the Presiding Judge dated 08/31/17 – **See Appendix G**.

In civil cases, the notification to the parties of the assigned Judge should be sent immediately after the filing of the complaint if the parties are known to the clerk. If the defendant address is not provided to

the clerk, then notification to the known parties will be made 25 days after the complaint is filed. If the defendant address is not known to the clerk until a later date than described, then notification to the defendant will be mailed within 10 days of the clerk being notified of the required information.

Rule 16 Hearings

Rule 16 hearings will be scheduled by the judge's office.

Rule 8.3

The Northeast Judicial District will follow North Dakota Rules of Court 8.3 which states joint informational statements need to be filed and parties should follow the requirements of Rule 8.3. The enforcement of these documents will be at the discretion of each individual judge.

Probate Procedure

Informal Probate

Clerks may sign all informal probate documents in accordance with N.D.C.C. 30.1-02-06 which allows the clerk, without a written order of the court, to “sign all appropriate documents in uncontested informal probate matters” if certain requirements are satisfied. However, the documents may also be referred to the *master calendar* judge for signature. General practice is the judges sign the informal probates, however, the clerk of court is allowed to sign.

Juvenile Procedure

Please refer to:

- NDCC Chapter 27-20 - Juvenile Court Act
- Supreme Court Administrative Policy 409 - Juvenile Court Time Standards
- Administrative Rule 12
- North Dakota Rules of Juvenile Procedure

Jury Management Procedure

State Court Administration provides Jury Management System (JMS) software that must be utilized by all clerk offices. Clerks will follow the Jury Selection Procedure (Administrative Rule 9) along with the Jury Selection Plan and Appendix attached to AR9.

A juror qualification form and summons (one-step method) should be mailed to prospective juror four to six weeks prior to the trial report date, along with a self-addressed stamped envelope. For those counties using the two-step method, the possible trial dates should be included in the comments on the first summons form mailed. Then, the date-certain Summons should be mailed to the prospective jurors at least two weeks prior to trial date.

Excusing citizens from jury panel and delegation of duties to Clerk of Court – refer to the memo issued by a Presiding Judge dated June 8, 2021 -**See Appendix H.**

Number of Jurors need to report for voir dire should be equal to the number of jurors needed + alternates + peremptories allowed + two. (See Jury Selection Plan, section 10):

For felony-level criminal cases alleging Gross Sexual Imposition, Murder, Assault, Theft, Controlled Substance or Driving Under the Influence

- Number of jurors summoned = the number of jurors needed + the number of alternates needed + the total number of peremptories allowed+ 8

For all other criminal and civil cases

- Number of jurors summoned = the number of jurors needed + the number of alternates needed + the total number of peremptories allowed+ 4

High profile cases (and/or at Judge's discretion) – the judge should inform the clerk of court's office at least six weeks prior to the trial date of their request for prospective jurors above the standard.

At the end of the trial, the Clerk or Bailiff will distribute the NEJD juror survey to each juror. Jurors will be asked to complete the survey prior to departing the courthouse. The clerk will then email a pdf copy to the judge and unit 1 court administration.

Appendix A – Local Rule 1 & 2

LOCAL RULE 1. CASE ASSIGNMENT PROCEDURE

Effective Date: August 2, 2019.

1. Purpose. This local court rule is established pursuant to [Administrative Rule 2, subsections \(8\) and \(9\)](#) and the [North Dakota Rule on Local Court Procedural Rules section 3](#). This Procedure provides a mechanism for the assignment of cases in the Northeast Judicial District.

2. Procedure.

A. Automatic Assignment. The clerks of District Court in the Northeast Judicial District shall assign a judge to all cases filed in district court based on a Master and Individual calendar process. This process will be administered by the local District Court Judge in conjunction with the Presiding Judge as outlined below:

- (1) In Benson County, one of the district judges chambered in Devils Lake.
- (2) In Bottineau County, the district judge chambered in Bottineau.
- (3) In Cavalier County, the district judge chambered in Cavalier/Langdon.
- (4) In McHenry County, the district judge chambered in Rugby.
- (5) In Pembina County, the district judge chambered in Cavalier/Langdon.
- (6) In Pierce County, the district judge chambered in Rugby.
- (7) In Ramsey County, one of the district judges chambered in Devils Lake.
- (8) In Renville County, the district judge chambered in Bottineau.
- (9) In Rolette County, the district judge chambered in Bottineau.
- (10) In Towner County, the district judge chambered in Rugby.
- (11) In Walsh County, the district judge chambered in Grafton.

B. If the need arises, this automatic assignment procedure may be adjusted by the presiding judge in conjunction with local district judges.

3. Effective Date. The effective date of this local court rule is August 2, 2019.

Adopted effective January 2, 1995; amended January 2, 2000, amended effective August 2, 2019.

LOCAL RULE 2. CASE REASSIGNMENT PROCEDURE

Effective Date: August 2, 2019.

Alternative Assignment.

1. Procedure. This local rule is adopted to provide a district-wide procedure for reassignment of selected cases in compliance with Administrative Rule 2, (9) and (10).

If a demand for change of judge is properly filed and is timely, in accordance with section 29-15-21, N.D.C.C., and that judge is not the presiding judge; or a recusal is filed by any judge, an alternative assignment will be given based on an assignment roster maintained in the offices of the presiding judge.

If the presiding judge has filed a recusal, or if a demand for change of judge is filed against the presiding judge, the clerk of district court in the county of venue shall refer the case to the designated acting presiding judge appointed pursuant to Administrative Rule 2(6), for reassignment of the case among the judges of the district, unless a recusal or demand for change of judge has previously been filed against the designated acting presiding judge, in which case the clerk of district court in the county of venue shall refer the case to an alternate acting presiding judge for reassignment.

If all district judges are unable to preside, the presiding judge or designee shall refer the case to the clerk of the Supreme Court for reassignment by the chief justice.

2. Effective Date. The effective date of this local court rule is August 2, 2019.

Adopted effective January 2, 1995; amended January 2, 2000, amended effective August 2, 2019.

Appendix B – Odyssey Session Creation Practice by County

Odyssey Session Creation Practice by County			
County	Person who Creates/Sets Up Session	Session Details	Person who Adds/Manages Hrgs w/in Session
Benson County	Court Recorder	One Session Hearings @ Different Times based on Duration	Court Recorders manage the sessions, however, Clerk of Court & Juvenile Court office add, reset, cancel hearings if need be to an already open session
Bottineau County	Court Recorder generates reoccurring sessions	One Session Hearings @ Different Times based on Duration	Clerk of Court office; hearing dates are also obtained from Court Recorder and entered into Odyssey by either the Court Recorder or the Clerk of Court office. The practice varies from case to case.
Cavalier County	Clerk of Court office upon obtaining dates from judge's office	Multiple Sessions 9:30 - 10 Master 10:00 - OSCs Pretrial Session Jury Trial Session Civil Scheduled in 10:00 - 12:00 Hearings @ Different Times based on Quantity	Clerk of Court office
McHenry County	Clerk of Court office sets up all sessions other than Court Recorders for the visiting judges	***Clerk gets hrg dates from Reporter if not using Master Calendar date Multiple Sessions 9:30 OSC; 10:00 - Initials and status hearings 1:15-4:30 - Civil Matters	Clerk of Court office; Court Recorders for the visiting judges
Pembina County	Clerk of Court office for local judge; usually Court Recorders for the visiting judges	Multiple Sessions 9:30 Master 10 OSC Pretrial Session 1:15 Probate Jury Trial Session as set by Judge Hearings start @ Same Time based on Quantity	Clerk of Court office for local judge; usually Court Recorders for the visiting judges
Pierce County	Clerk of Court office sets up all sessions other than Court Recorders for the visiting judges and juvenile sessions set by Court Reporter/Recorder or Juvenile Court	Multiple Sessions Hearings @ Different Times based on Duration	Clerk of Court office and Court Reporter/Recorder and Juvenile Court

County	Person who Creates/Sets Up Session	Session Details	Person who Adds/Manages Hrgs w/in Session
Ramsey County	Court Recorders setup/create sessions; clerks work with court recorders when necessary and will add if judge requests	One Session	Clerk of Court, Juvenile Court and Court Recorders
		Hearings @ Different Times based on Duration	
Renville County	Court Recorder generates reoccurring sessions	One Session	Clerk of Court office; hearing dates are also obtained from Court Recorder and entered into Odyssey by either the Court Recorder or the Clerk of Court office. The practice varies from case to case.
		Hearings @ Different Times based on Duration	
Rolette County	Court Recorder generates reoccurring sessions	One Session	Clerk of Court office; hearing dates are also obtained from Court Recorder and entered into Odyssey by either the Court Recorder or the Clerk of Court office. The practice varies from case to case.
		Hearings @ Different Times based on Duration	
Towner County	Court Recorder or Clerk of Court office; Court Recorder creates all sessions for Towner Co. cases held in Devils Lake	One Session	Court Recorder and Clerk of Court office add/manage hearings
		9:30 OSC and Bench Warrant Appearances	
		10 Initial Appearances	
		11-12 Preliminary Hearings & Traffic Hearings	
		1:00 pm Child Support OSC & Civil	
		All Hearings @ Different Times based on Duration	
Walsh County	Court Recorder	Master Calendar: Multiple Sessions	All hearing dates are obtained from Court Recorder and entered into Odyssey by either the Court Recorder or the Clerk of Court office. The practice varies from case to case.
		9-10 Initials: Hearings @ Same Time based on duration	
		10-11 Arraignments: Hearings @ Same Time based on Quantity	
		11 OSCs and various items: Hearings @ Same Time based on Quantity	
		*Clerk obtains ALL dates from Judge's Court Recorder	

Appendix C – Individual Calendar Scheduling by County (Includes Case Assignment Information for Benson and Ramsey County)

Benson and Ramsey County Scheduling	
MASTER CALENDAR	
Criminal	Who currently schedules?
Orders to Show Cause, Initial Appearances	Clerk
Bail Review-Limited to one review before a different judge (may be by telephone)	Clerk/Court Recorder
Initial Appearance on Extraditions	Clerk
Administrative Traffic	Clerk
Game and Fish	Clerk
Civil	Who currently schedules?
Default and Stipulated Judgments, Name Change, Minor Settlements, Small Claims, Forcible Detainers (Evictions), Uncontested Adoptions, Orders to Show Cause, Protection Orders, Disorderly Conduct Restraining Orders, Mental Health Matters	Clerk
Juvenile	Who currently schedules?
Shelter Care/Detention or other emergency hearings	Juvenile office
Juvenile Applications	Directly to Judge
Transfers to Adult Court	Clerk
Probate	Who currently schedules?
Uncontested Guardianship/Conservatorship Matters and Uncontested Formal Probate Procedures	Clerk
Mental Health proceedings	Clerk
INDIVIDUAL CALENDAR	
Criminal	Who currently schedules?
Preliminary Hearings, Pretrial and Motion Hearings, Settlement Conference, Plea, Bench Trial, Jury Trial, Sentencing, Revocation Hearing, Other Post-Sentence Hearings, Rule 35 Hearings	Court Recorder
Civil	Who currently schedules?
Post-conviction proceedings, Summary Judgment hearings, Rule 16 Scheduling Conferences, 8.3 and 8.3.1 Pretrial Conferences, Interim Orders in Domestic Matters, Court Trial, Jury Trial, Civil Commitments for Sexually Dangerous Individuals, Contested Adoptions, Contested Probate, Contested Guardianship/Conservatorship	Court Recorder
Juvenile	Who currently schedules?
All adjudication hearings, dispositional hearings including restitution, and permanency hearings	Juvenile office
Probate	Who currently schedules?
Contested Probate Matters and Contested Guardianship/Conservatorship Matters	Court Recorder

Benson and Ramsey County Case Assignment	
ASSIGNMENT TO MASTER CALENDAR JUDGE	
Criminal	Assign upon
Felony	Scheduling Preliminary
Misdemeanor	Plea
Extradition	Waiver of Extradition Request Hearing
City Transfer	At filing
Municipal Appeal	At filing
Civil	Assign upon
Default/Stipulated Judgments	Time for action arises/6 months
Family	Assign upon
Divorce	At filing
Parenting Responsibility	At filing
Probate	Assign upon
Emergency Guardianships	At filing
ASSIGNMENT BY ROTATION, AVAILABILITY OF HEARING DATE, OR OTHER	
Criminal	Assign upon
Administrative Traffic & Game and Fish	Availability of State's Attorney & Availability of hearing dates/Time of scheduling
Civil	Assign upon
Name Change	Availability of hearing dates/Time of scheduling hearing
Condemnation/Eminent Domain, Minor Settlements, Malpractice, Personal Injury,	Odyssey Rotation at filing
Small Claims	Availability of hearing dates/Time of scheduling hearing / default review
Forcible Detainers	Availability of hearing dates/Time of scheduling
Adoptions	Availability of hearing dates/Time of scheduling
Restraining Orders	Availability of hearing dates/Time of scheduling
Post Conviction Relief - Assign same criminal dispositional judge (Judge Foughty- will be assigned to cases 2016 and earlier)	At filing
Civil Forfeitures - Assign judge that is not related to criminal case	At filing
Administrative Appeal - Assign judge that is not related to criminal case	At filing
Family	Assign upon
Protection Order (Domestic)	Availability of hearing dates/Time of scheduling
Child Support	Time of action arises/Availability of hearing dates
<i>Clerk will search for other pending civil actions in the NEJD when petition for protection is requesting the placement of minor child(ren.) If pending action is filed in either Benson or Ramsey County, Clerk will assign same Judge. Clerk will advise the assigned Judge(s) of new filing.</i>	
Juvenile	Assign upon
All Juvenile Cases	Final findings/disposition

Probate	Assign upon
Civil Commitment of Sexually Dangerous Persons (Review of SDI-Stays with original Judge assigned to case)	Odyssey Rotation at filing
Contested Probate/i.e. "formal probate/administration"	Availability of hearing dates/Time of scheduling hearing
Guardianship/Conservatorship (5 year review to assigned judge & OSC for Annual Reports to Master Calendar Judge)	Availability of hearing dates/Time of scheduling hearing
Mental Health	Availability of hearing dates/ Time of scheduling
Continuing Treatment Hearings	Availability of hearing dates/ Time of scheduling

Bottineau County Scheduling	
MASTER CALENDAR	
Criminal	Who currently schedules?
Orders to Show Cause, Initial Appearances/Arraignments, Initial Appearance on Extraditions, Pre-Trial/Dispositional Conferences, Plea Agreements/Sentencing	Court Recorder provides dates & Clerk adds to calendar & completes notice
Revocations (First Appearance)	Tied to Order to Apprehend; Court Recorder schedules & e-files notice
Preliminary Hearings in Felony Cases-Must be scheduled for hearing within 30 days from the filing of the Criminal Complaint or Charging Document	Court Recorder schedules & e-files notice
Bail Review-Limited to one review before a different judge (may be by telephone)	Court Recorder provides dates & Clerk adds to calendar & completes notice
Administrative Traffic	Court Recorder provides dates & Clerk adds to calendar & completes notice
Civil, Protection Orders, & Mental Health	Who currently schedules?
Name Change, Minor Settlements, Small Claims, Forcible Detainers (Evictions), Uncontested Adoptions, Orders to Show Cause, Protection Orders, Restraining Orders	Court Recorder provides dates & Clerk adds to calendar & completes notice
Mental Health	Clerk schedules & completes notice
Juvenile	Who currently schedules?
Shelter Care/Detention or other emergency hearings	Juvenile Court Secretary
Juvenile Applications	Directly to Judge
Transfers to Adult Court	Court Recorder provides dates & Clerk adds to calendar & completes notice
Probate	Who currently schedules?
Uncontested Guardianship/Conservatorship Matters & Uncontested Formal Probate Matters	Court Recorder provides dates & Clerk adds to calendar & completes notice
INDIVIDUAL CALENDAR	
Criminal	Who currently schedules?
Pretrial, Motion Hearings, Settlement Conference, Change of Pleas, Court/Jury Trial, Sentencing, Revocation Hearing, Post-Sentence Hearings, Post Conviction Relief, Rule 35 Hearings,	Court Recorder provides dates & Clerk adds to calendar & completes notice
Civil	Who currently schedules?
Motion Hearings, Summary Judgment Hearings, Rule 16 Scheduling Conferences, Pretrial Conferences, Default Hearings, Interim Orders, Court Trial, Jury Trial, Civil Commitments for Sexually Dangerous Individuals, Contested Adoptions	Court Recorder schedules & e-files notice
Summary Judgment Motion Hearings	Court Recorder schedules & e-files notice
Ex Parte Interim Orders in Divorce Matters	Court Recorder provides dates & Clerk adds to calendar & completes notice
Juvenile	Who currently schedules?
All adjudication hearings, dispositional hearings including restitution, & permanency hearings	Court Recorder provides dates & Juvenile Court adds to calendar & completes notice
Probate	Who currently schedules?
Contested Probate Matters & Contested Guardianship/Conservatorship Matters	Court Recorder provides dates & Clerk adds to calendar & completes notice

Cavalier County Scheduling	
MASTER CALENDAR	
Criminal	Who currently schedules?
Orders to Show Cause and Initial Appearances/Arraignments	Clerk
Revocations (First Appearance)	Court Recorder/Reporter
Preliminary Hearings in Felony Cases-Must be scheduled for hearing within 30 days from the filing of the Criminal Complaint or Charging Document	Judge/Court Recorder/Reporter
Bail Review-Limited to one review before a different judge (may be by telephone)	Judge/Court Recorder/Reporter
Initial Appearance on Extraditions, Pre-Trial/Dispositional Conferences, Plea Agreements/Sentencing	Judge/Court Recorder/Reporter
Administrative Traffic	Clerk
Civil	Who currently schedules?
Default and Stipulated Judgments, Name Change, Minor Settlements, Small Claims, Forcible Detainers (Evictions), Uncontested Adoptions, Orders to Show Cause, Protection Orders, Disorderly Conduct Restraining Orders, Mental Health Matters	Court Recorder/Reporter
Ex Parte Interim Orders in Divorce Matters that have been assigned	Court Recorder/Reporter
Juvenile	Who currently schedules?
Shelter Care/Detention or other emergency hearings	Judge/Court Recorder/Reporter
Juvenile Applications	Judge/Court Recorder/Reporter
Transfers to Adult Court	Court Recorder/Reporter
Probate	Who currently schedules?
Uncontested Guardianship/Conservatorship Matters and Uncontested Formal Probate Procedures	Court Recorder/Reporter
INDIVIDUAL CALENDAR	
Criminal	Who currently schedules?
Pretrial and Motion Hearings, Settlement Conference, Change of Pleas	Court Recorder/Reporter
Court/Jury Trial, Sentencing, Revocation Hearing, Other Post-Sentence Hearings, Post Conviction Relief, Rule 35 Hearings	Judge/Court Recorder/Reporter
Civil	Who currently schedules?
Motion Hearings, Summary Judgment Hearings, Rule 16 Scheduling Conferences, Default Hearings, Interim Orders in Domestic Matters, Contested Adoptions	Court Recorder/Reporter
Pretrial Conferences, Court Trial, Jury Trial, Civil Commitments for Sexually Dangerous Individuals	Judge
Juvenile	Who currently schedules?
All adjudication hearings, dispositional hearings including restitution, and permanency hearings	Judge/Court Recorder/Reporter
Probate	Who currently schedules?
Contested Probate Matters and Contested Guardianship/Conservatorship Matters	Judge/Court Recorder/Reporter

McHenry County Scheduling	
MASTER CALENDAR	
Criminal	Who currently schedules?
Orders to Show Cause, Revocations (First Appearance), Initial Appearances/Arraignments, Initial Appearance on Extraditions	Clerk
Preliminary Hearings in Felony Cases-Must be scheduled for hearing within 30 days from the filing of the Criminal Complaint or Charging Document	Clerk
Bail Review-Limited to one review before a different judge (may be by telephone)	Court Reporter/Recorder/Clerk
Pre-Trial/Dispositional Conferences	Court Reporter/Recorder
Plea Agreements/Sentencing	Court Reporter/Recorder/Clerk
Administrative Traffic	Clerk
Civil	Who currently schedules?
Default and Stipulated Judgments, Name Change, Minor Settlements, Small Claims, Forcible Detainers (Evictions), Uncontested Adoptions, Orders to Show Cause, Protection Orders, Disorderly Conduct Restraining Orders, Mental Health Matters	Court Reporter/Recorder/Clerk
Ex Parte Interim Orders in Divorce Matters that have been assigned	Court Reporter/Recorder/Clerk
Juvenile	Who currently schedules?
Shelter Care/Detention or other emergency hearings	Court Reporter/Recorder/ Clerk/Juvenile Sec
Juvenile Applications	Directly to Judge
Transfers to Adult Court (Initial app)	Juvenile Sec
Probate	Who currently schedules?
Uncontested Guardianship/Conservatorship Matters and Uncontested Formal Probate Procedures	Clerk/Court Reporter/Recorder
INDIVIDUAL CALENDAR	
Criminal	Who currently schedules?
Pretrial and Motion Hearings, Settlement Conference, Court/Jury Trial, Sentencing, Other post-sentence hearings (Felony Only), Rule 35 Proceeding	Court Recorder/Reporter
Guilty Plea, Sentencing, Post Conviction Relief Hearings	Clerk/Court Reporter/Recorder
Revocation Hearing (admit/deny/disposition)	Clerk
Civil	Who currently schedules?
Motion Hearings, Summary Judgment Hearings, Default Hearings, Interim Orders in Divorce Matters, Civil Commitments for Sexually Dangerous Individuals, Contested Adoptions	Court Reporter/Recorder/Clerk
Rule 16 Scheduling Conferences, Pretrial Conferences, Court Trial, Jury Trial	Court Recorder/Reporter
Juvenile	Who currently schedules?
All adjudication hearings, dispositional hearings including restitution, and permanency hearings	Court Reporter/Recorder/ Clerk/Juvenile Sec
Probate	Who currently schedules?
Contested Probate Matters and Contested Guardianship/Conservatorship Matters	Court Recorder/Reporter

Pembina County Scheduling	
MASTER CALENDAR	
Criminal	Who currently schedules?
Orders to Show Cause and Initial Appearances/Arraignments	Clerk
Revocations (First Appearance)	Court Recorder/Reporter
Preliminary Hearings in Felony Cases-Must be scheduled for hearing within 30 days from the filing of the Criminal Complaint or Charging Document	Judge/Court Recorder/Reporter
Bail Review-Limited to one review before a different judge (may be by telephone)	Judge/Court Recorder/Reporter
Initial Appearance on Extraditions, Pre-Trial/Dispositional Conferences, Plea Agreements/Sentencing	Judge/Court Recorder/Reporter
Administrative Traffic	Clerk
Civil	Who currently schedules?
Default and Stipulated Judgments, Name Change, Minor Settlements, Small Claims, Forcible Detainers (Evictions), Uncontested Adoptions, Orders to Show Cause, Protection Orders, Disorderly Conduct Restraining Orders, Mental Health Matters	Court Recorder/Reporter
Ex Parte Interim Orders in Divorce Matters that have been assigned	Court Recorder/Reporter
Juvenile	Who currently schedules?
Shelter Care/Detention or other emergency hearings	Judge/Court Recorder/Reporter
Juvenile Applications	Judge/Court Recorder/Reporter
Transfers to Adult Court	Court Recorder/Reporter
Probate	Who currently schedules?
Uncontested Guardianship/Conservatorship Matters and Uncontested Formal Probate Procedures	Court Recorder/Reporter
INDIVIDUAL CALENDAR	
Criminal	Who currently schedules?
Pretrial and Motion Hearings, Settlement Conference, Change of Pleas	Court Recorder/Reporter
Court/Jury Trial, Sentencing, Revocation Hearing, Other Post-Sentence Hearings, Post Conviction Relief, Rule 35 Hearings	Judge/Court Recorder/Reporter
Civil	Who currently schedules?
Motion Hearings, Summary Judgment Hearings, Rule 16 Scheduling Conferences, Default Hearings, Interim Orders in Domestic Matters, Contested Adoptions	Court Recorder/Reporter
Pretrial Conferences, Court Trial, Jury Trial, Civil Commitments for Sexually Dangerous Individuals	Judge
Juvenile	Who currently schedules?
All adjudication hearings, dispositional hearings including restitution, and permanency hearings	Judge/Court Recorder/Reporter
Probate	Who currently schedules?
Contested Probate Matters and Contested Guardianship/Conservatorship Matters	Judge/Court Recorder/Reporter

Pierce County Scheduling	
MASTER CALENDAR	
Criminal	Who currently schedules?
Orders to Show Cause, Revocations (First Appearance), Initial Appearances/Arraignments, Initial Appearance on Extraditions	Clerk
Preliminary Hearings in Felony Cases-Must be scheduled for hearing within 30 days from the filing of the Criminal Complaint or Charging Document	Clerk
Bail Review-Limited to one review before a different judge (may be by telephone)	Court Reporter/Recorder/Clerk
Pre-Trial/Dispositional Conferences	Court Reporter/Recorder
Plea Agreements/Sentencing	Court Reporter/Recorder/Clerk
Administrative Traffic	Clerk
Civil	Who currently schedules?
Default and Stipulated Judgments, Name Change, Minor Settlements, Small Claims, Forcible Detainers (Evictions), Uncontested Adoptions, Orders to Show Cause, Protection Orders, Disorderly Conduct Restraining Orders, Mental Health Matters	Court Reporter/Recorder/Clerk
Ex Parte Interim Orders in Divorce Matters that have been assigned	Court Reporter/Recorder/Clerk
Juvenile	Who currently schedules?
Shelter Care/Detention or other emergency hearings	Court Reporter/Recorder Juvenile Sec
Juvenile Applications	Directly to Judge
Transfers to Adult Court (Initial app)	Juvenile Sec
Probate	Who currently schedules?
Uncontested Guardianship/Conservatorship Matters and Uncontested Formal Probate Procedures	Clerk/Court Reporter/Recorder
INDIVIDUAL CALENDAR	
Criminal	Who currently schedules?
Pretrial and Motion Hearings, Settlement Conference, Court/Jury Trial, Sentencing, Other post-sentence hearings (Felony Only), Rule 35 Proceeding	Court Recorder/Reporter
Guilty Plea, Sentencing, Post Conviction Relief Hearings	Clerk/Court Reporter/Recorder
Revocation Hearing (admit/deny/disposition)	Clerk
Civil	Who currently schedules?
Motion Hearings, Summary Judgment Hearings, Default Hearings, Interim Orders in Divorce Matters, Civil Commitments for Sexually Dangerous Individuals, Contested Adoptions	Court Reporter/Recorder/Clerk
Rule 16 Scheduling Conferences, Pretrial Conferences, Court Trial, Jury Trial	Court Recorder/Reporter
Juvenile	Who currently schedules?
All adjudication hearings, dispositional hearings including restitution, and permanency hearings	Court Reporter/Recorder/ Clerk/Juvenile Sec
Probate	Who currently schedules?
Contested Probate Matters and Contested Guardianship/Conservatorship Matters	Court Recorder/Reporter

Renville County Scheduling	
MASTER CALENDAR	
Criminal	Who currently schedules?
Orders to Show Cause, Revocations (First Appearance), Initial Appearances/Arraignments, Initial Appearance on Extraditions	Clerk
Preliminary Hearings in Felony Cases-Must be scheduled for hearing within 30 days from the filing of the Criminal Complaint or Charging Document	Court Recorder/Reporter
Bail Review-Limited to one review before a different judge (may be by telephone)	Court Recorder/Reporter
Pre-Trial/Dispositional Conferences, Plea Agreements/Sentencing	Court Recorder/Reporter
Administrative Traffic	Clerk
Civil	Who currently schedules?
Default and Stipulated Judgments, Minor Settlements, Forcible Detainers (Evictions), Uncontested Adoptions, Protection Orders, Disorderly Conduct Restraining Orders, Mental Health Matters	Court Recorder/Reporter
Ex Parte Interim Orders in Divorce Matters that have been assigned	Court Recorder/Reporter
Name Change, Small Claims, Orders to Show Cause	Clerk
Juvenile	Who currently schedules?
Shelter Care/Detention or other emergency hearings	Court Recorder/Reporter
Juvenile Applications	Directly to Judge
Transfers to Adult Court	Court Recorder/Reporter
Probate	Who currently schedules?
Uncontested Guardianship/Conservatorship Matters and Uncontested Formal Probate Procedures	Clerk
INDIVIDUAL CALENDAR	
Criminal	Who currently schedules?
Pretrial and Motion Hearings, Settlement Conference, Change of Pleas, Court/Jury Trial, Sentencing, Revocation Hearing, Other Post-Sentence Hearings, Post Conviction Relief, Rule 35 Hearings	Court Recorder/Reporter
Civil	Who currently schedules?
Motion Hearings, Summary Judgment hearings, Rule 16 Scheduling Conferences, Pretrial Conferences, Default Hearings, Interim Orders in Domestic Matters, Court Trial, Jury Trial, Civil Commitments for Sexually Dangerous Individuals, Contested Adoptions	Court Recorder/Reporter
Juvenile	Who currently schedules?
All adjudication hearings, dispositional hearings including restitution, and permanency hearings	Court Recorder/Reporter
Probate	Who currently schedules?
Contested Probate Matters and Contested Guardianship/Conservatorship Matters	Court Recorder/Reporter

Rolette County Scheduling	
MASTER CALENDAR	
Criminal	Who currently schedules?
Orders to Show Cause, Revocations (First Appearance), Initial Appearances/Arraignments, Initial Appearance on Extraditions	Clerk
Preliminary Hearings in Felony Cases-Must be scheduled for hearing within 30 days from the filing of the Criminal Complaint or Charging Document	Court Recorder/Reporter
Bail Review-Limited to one review before a different judge (may be by telephone)	Court Recorder/Reporter
Pre-Trial/Dispositional Conferences, Plea Agreements/Sentencing	Court Recorder/Reporter
Administrative Traffic	Clerk
Civil	Who currently schedules?
Default and Stipulated Judgments, Name Change, Minor Settlements, Forcible Detainers (Evictions), Uncontested Adoptions, Orders to Show Cause, Protection Orders, Disorderly Conduct Restraining Orders, Mental Health Matters	Court Recorder/Reporter
Ex Parte Interim Orders in Divorce Matters that have been assigned	Court Recorder/Reporter
Small Claims	Clerk
Juvenile	Who currently schedules?
Shelter Care/Detention or other emergency hearings	Juvenile office
Juvenile Applications	Directly to Judge
Transfers to Adult Court	Court Recorder/Reporter
Probate	Who currently schedules?
Uncontested Guardianship/Conservatorship Matters and Uncontested Formal Probate Procedures	Clerk
INDIVIDUAL CALENDAR	
Criminal	Who currently schedules?
Pretrial and Motion Hearings, Settlement Conference, Change of Pleas, Court/Jury Trial, Sentencing, Revocation Hearing, Other Post-Sentence Hearings, Post Conviction Relief, Rule 35 Hearings	Court Recorder/Reporter
Civil	Who currently schedules?
Motion Hearings, Summary Judgment hearings, Rule 16 Scheduling Conferences, Pretrial Conferences, Default Hearings, Interim Orders in Domestic Matters, Court Trial, Jury Trial, Civil Commitments for Sexually Dangerous Individuals, Contested Adoptions	Court Recorder/Reporter
Juvenile	Who currently schedules?
All adjudication hearings, dispositional hearings including restitution, and permanency hearings	Juvenile Court
Probate	Who currently schedules?
Contested Probate Matters and Contested Guardianship/Conservatorship Matters	Court Recorder/Reporter

Towner County Scheduling	
MASTER CALENDAR	
Criminal	Who currently schedules?
Orders to Show Cause, Initial Appearances/Arraignments, Initial Appearance on Extraditions	Clerk
Revocations (First Appearance), Pre-Trial/Dispositional Conferences	Court Recorder/Reporter
Preliminary Hearings in Felony Cases-Must be scheduled for hearing within 30 days from the filing of the Criminal Complaint or Charging Document	Court Recorder/Reporter
Bail Review-Limited to one review before a different judge (may be by telephone)	Court Recorder/Reporter
Plea Agreements/Sentencing	Clerk/Court Recorder/Reporter
Administrative Traffic	Clerk
Civil	
Default and Stipulated Judgments, Forcible Detainers (Evictions), Uncontested Adoptions, Orders to Show Cause	Clerk/Court Recorder/Reporter
Name Change, Small Claims, Protection Orders, Disorderly Conduct Restraining Orders, Mental Health Matters	Clerk
Minor Settlements	Court Recorder/Reporter
Ex Parte Interim Orders in Divorce Matters that have been assigned	Court Recorder/Reporter
Juvenile	
Shelter Care/Detention or other emergency hearings	Juvenile Court
Juvenile Applications	Directly to Judge
Transfers to Adult Court	Juvenile Court
Probate	
Uncontested Guardianship/Conservatorship Matters and Uncontested Formal Probate Procedures	Clerk
INDIVIDUAL CALENDAR	
Criminal	
Pretrial and Motion Hearings, Settlement Conference, Change of Pleas, Court/Jury Trial, Revocation Hearing, Other Post-Sentence Hearings, Post Conviction Relief, Rule 35 Hearings	Court Recorder/Reporter
Sentencing (from negotiated pleas or convictions)	Clerk/Court Recorder/Reporter
Civil	
Motion Hearings, Summary Judgment hearings, Rule 16 Scheduling Conferences, Pretrial Conferences, Default Hearings, Interim Orders in Domestic Matters, Court Trial, Jury Trial, Civil Commitments for Sexually Dangerous Individuals, Contested Adoptions	Court Recorder/Reporter
Juvenile	
All adjudication hearings, dispositional hearings including restitution, and permanency hearings	Clerk/Juvenile Court
Probate	
Contested Probate Matters and Contested Guardianship/Conservatorship Matters	Court Recorder/Reporter

Walsh County Scheduling	
MASTER CALENDAR	
Criminal	Who currently schedules?
Orders to Show Cause, Initial Appearances/Arraignments	Clerk
Revocations (First Appearance), Initial Appearance on Extraditions, Pre-Trial/Dispositional Conferences, Plea Agreements/Sentencing	Court Recorder/Reporter
Preliminary Hearings in Felony Cases-Must be scheduled for hearing within 30 days from the filing of the Criminal Complaint or Charging Document	Court Recorder/Reporter
Bail Review-Limited to one review before a different judge (may be by telephone)	Court Recorder/Reporter
Administrative Traffic & Small Claims	Clerk after getting date from Recorder
Civil	Who currently schedules?
Default and Stipulated Judgments, Name Change, Minor Settlements, Forcible Detainers (Evictions), Uncontested Adoptions, Orders to Show Cause	Court Recorder/Reporter
Small Claims, Protection Orders, Disorderly Conduct Restraining Orders, Mental Health Matters	Clerk after getting date from Recorder
Ex Parte Interim Orders in Divorce Matters that have been assigned	Court Recorder/Reporter
Juvenile	Who currently schedules?
Shelter Care/Detention or other emergency hearings	Court Recorder/Reporter
Juvenile Applications	Directly to Judge
Transfers to Adult Court	Court Recorder/Reporter
Probate	Who currently schedules?
Uncontested Guardianship/Conservatorship Matters and Uncontested Formal Probate Procedures	Court Recorder/Reporter
INDIVIDUAL CALENDAR	
Criminal	Who currently schedules?
Pretrial and Motion Hearings, Settlement Conference, Change of Pleas, Court/Jury Trial, Sentencing, Revocation Hearing, Other Post-Sentence Hearings, Post Conviction Relief, Rule 35 Hearings	Court Recorder/Reporter
Civil	Who currently schedules?
Motion Hearings, Summary Judgment hearings, Rule 16 Scheduling Conferences, Pretrial Conferences, Default Hearings, Interim Orders in Domestic Matters, Court Trial, Jury Trial, Civil Commitments for Sexually Dangerous Individuals, Contested Adoptions	Court Recorder/Reporter
Juvenile	Who currently schedules?
All adjudication hearings, dispositional hearings including restitution, and permanency hearings	Juvenile Staff
Probate	Who currently schedules?
Contested Probate Matters and Contested Guardianship/Conservatorship Matters	Court Recorder/Reporter

Appendix D – Demand for Change of Judge Assignment



State of North Dakota
DISTRICT COURT CHAMBERS
OF
The HONORABLE LAURIE A. FONTAINE
Melissa Morden, Electronic Recorder

301 Dakota Street W #3
Cavalier ND 58220-4100
Telephone (701)265-8783

901 Third Street
Langdon ND 58249
Telephone (701)256-2540

MEMO

Date: September 30, 2013

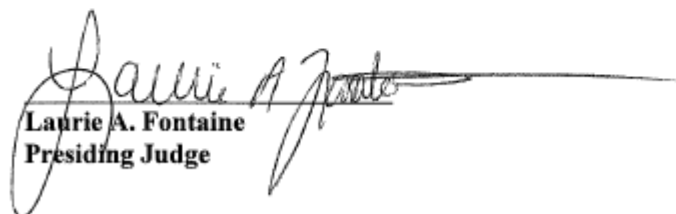
TO: Clerks of Court NEJD

RE: Caseflow Management Plan – NEJD
Non-Criminal Traffic Cases

If a Demand for Change of Judge or a Recusal is filed in a non-criminal traffic case, the clerk will automatically transfer the case to the secondary judge in the service area. Notice of the assignment will be sent to the parties as required.

This practice will remain in effect unless further modified.

Dated this 30 day of September, 2013.


Laurie A. Fontaine
Presiding Judge

Appendix E – Order Regarding Expanded Media Coverage

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

NORTHEAST JUDICIAL DISTRICT

State of North Dakota,)	Case No. _____
Plaintiff,)	
v.)	<u>ORDER ALLOWING</u>
_____)	<u>EXPANDED MEDIA COVERAGE</u>
Defendant.)	

[¶1] Application for expanded media coverage was made by:

Notice of the applications and request for responses were made to the parties. All parties have now responded. There are no objections to expanded media coverage. Therefore;

[¶2] **IT IS HEREBY ORDERED:**

- A. Each news media group must comply with Administrative Rule 21e, and 4(i), which state that all equipment, including television cameras, are to be designed or modified so that participants in the judicial proceedings being covered are unable to determine when recording is occurring. Still cameras should be selected for quietness, or muffled as much as possible.
- A. All other requirements of Rule 21e and 4 are to be complied with.
- B. Only one video camera for the television media shall be allowed in the courtroom. It is to be positioned in a location approved by the Court. Only one person shall be allowed to monitor it at that location. Arrangements must be made to allow other television media to network that camera to other cameras located outside of the courtroom. The person monitoring that camera shall maintain minimum movement while monitoring it.
- C. _____ and any other news media group named above who intend to use still cameras shall be required to select a location within that courtroom outside of the arena to take photographs. (The arena is that area used by counsel, parties and the Court.) The still photographer shall not be allowed to move around the courtroom, but must remain at a single position throughout the hearing. Further, the still photographer must refrain from taking photographs when actual dialog either by way of testimony or statements by counsel and the court are occurring.
- D. The still photographer shall contact the Clerk of District Court prior to the hearing in order to establish and reserve a location in the courtroom for that person's activities.
- E. _____ is to confer with the Clerk of District Court prior to

hearing in order to explain what audio pick-up for broadcast coverage or other audio recording is desired by it within the courtroom setting.

F. No artificial lighting shall be allowed in the courtroom.

G. All equipment must be in place by _____ .m.

[¶3] The news media groups named above are to confer with the Clerk of District Court if they have any questions regarding this order.

Dated this _____ day of _____, 20____.

BY THE COURT:

District Court Judge

cc: State's Attorney
Defendant's Attorneys
Media

Appendix F – ITV Consent Form

IN DISTRICT COURT, _____ COUNTY, NORTH DAKOTA
CASE NO. _____
NOTICE TO DEFENDANT

Court rules provide a framework for the use of interactive television in North Dakota's district and municipal courts.

There are certain restrictions:

- (1) A defendant may not plead guilty nor be sentenced by interactive television unless the parties consent.
- (2) A witness may not testify by interactive television unless the defendant knowingly and voluntarily waives the right to have the witness testify in person.
- (3) An attorney for a defendant must be present at the interactive television site where the defendant is located unless the attorney's participation from another location is approved by the court with the consent of the defendant. In a guilty plea proceeding, the court may not allow the defendant's attorney to participate from a site separate from the defendant unless:
 - (a) the court makes a finding on the record that the attorney's participation from the separate site is necessary;
 - (b) the court confirms on the record that the defendant has knowingly and voluntarily consented to the attorney's participation from a separate site; and
 - (c) the court allows confidential attorney-client communication, if requested.

CONSENT TO INTERACTIVE TELEVISION

I have read this notice and consent to have any hearings, conferences, or other proceedings conducted by way of interactive television.

I consent to be at a different location than the judge, prosecuting attorney and defense attorney.

I consent to being sentenced through interactive television if I should decide to plead guilty to the charges.

I understand this consent remains in effect until it is revoked in writing by me.

Dated this _____ day of _____, 20____

Signed: _____

Defendant

Print Name

IN PRESENCE OF:

Appendix G – Memo of Presiding Judge



301 Dakota Street W #3
Cavalier ND 58220-4100
Telephone (701)265-8783

State of North Dakota
DISTRICT COURT CHAMBERS
OF
The HONORABLE LAURIE A. FONTAINE
Melissa Morden, Electronic Recorder

901 Third Street
Langdon ND 58249
Telephone (701)256-2540

MEMO

TO: Clerks of NEJD
Judges of the NEJD

CC: Scott Johnson

DATE: August 31, 2017

At the last NEJD judge's meeting in May of 2017, all of the judges agreed as follows, when an application for protection order of any kind which requests a judge issue any order regarding residential responsibility of children is filed:

1. The same judge should handle all pending civil matters, including but not limited to: divorce actions, petitions for interim orders, petition for protection orders, and petitions to establish parental responsibility, that relate to minor children between married, cohabitating, or dating partners. Therefore:
2. If an application for any type of protection order is filed which deals with placement of minor children, the clerk should check to see if any other civil actions are pending on those issues in the NEJD. If there are other actions pending, advise the assigned judge. That judge will recuse if necessary to accomplish the goals of having the same judge assigned to all cases as stated in Paragraph 1. The clerk will advise the Presiding Judge or Acting Presiding Judge the name of the judge assigned to any pending matter. To avoid delay in dealing with protection orders or ex parte interim orders, clerks should send the petition to the judge already on the case and recusal paperwork will be filed later.
3. The purpose of this memo and practice is to avoid competing orders which order different results, because one judge is unaware another order exists.

Thank you.

A handwritten signature in black ink, appearing to read 'Laurie A. Fontaine', written over a horizontal line.

Laurie A. Fontaine
Presiding Judge, NEJD

Appendix H –Delegation of Duties to Clerk of Court – Jury Selection Procedure

IN THE DISTRICT COURT, NORTHEAST JUDICIAL DISTRICT
BENSON, BOTTINEAU, CAVALIER, MCHENRY, PIERCE, PEMBINA, RAMSEY, ROLETTE (GRAND
FORKS IN SUPPORT OF), TOWNER, RENVILLE AND WALSH COUNTIES, NORTH DAKOTA

DELEGATION OF DUTIES TO CLERK OF COURT JURY SELECTION PROCEDURE

¶1 Pursuant to N.D.C.C. §27-09.1-18 and the provisions of Administrative Rule 9, Jury Selection Plan and with the concurrence of the Judges of the Northeast Judicial District; the Clerks of Court in the Northeast Judicial District of North Dakota are hereby delegated the authority to determine if a prospective juror is disqualified to serve on a jury. In accordance with N.D.C.C. §27-09.1-08, a prospective juror is disqualified to serve on a jury if the prospective juror:

- a. Is not a citizen of the United States and a resident of the state and county;
- b. Is not at least eighteen years old;
- c. Is unable with reasonable accommodation to communicate and understand the English language;
- d. Is incapable, by reason of a physical or mental disability and with reasonable accommodation, of rendering satisfactory jury service; but a person claiming this disqualification may be required to submit a physician's certificate as to the disability, and the certifying physician is subject to inquiry by the court at its discretion; or
- e. Has lost the right to vote because of imprisonment in the penitentiary (N.D.C.C. §12.1-33.01) or conviction of a criminal offense which by special provision of law disqualified the prospective juror for such service.

The determination as to qualification and date of determination shall be noted on the qualification form and on the randomized master list.

¶2 In addition to juror qualification determinations, the clerks of court shall have the discretionary authority to grant temporary excuses from jury service upon a showing of:

- a. Serious Illness (requires hospitalization, attendant care or has a medical disability that would impact the ability to serve. Proof may be required.);
- b. Personal Medical/Family Medical Conditions (a personal appointment that had previously been scheduled and cannot be easily rescheduled, juror must attend to a family member and no other family member is available. Proof may be required);
- c. College Student (prospective juror attends school at a significant distance from the courthouse. Proof may be required.);

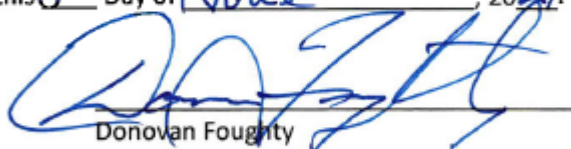
- d. Travel/Vacation Plans (prospective juror has vacation/travel plans that cannot be easily rescheduled. Proof may be required.);
- e. Employee Meeting/Training (nonattendance could significantly affect the potential juror's employment. Proof may be required.);
- f. A potential juror is 72 years of age or older and wishes to be excused;
- g. A potential juror has previously served on a jury or has been summoned to appear two times as a part of a jury panel within the last two years;

There shall be no automatic excuses or exemptions from juror service. The granting of a temporary excuse should be based on the circumstances at the time the prospective juror is summoned. Each clerk of court should contact the judge presiding over the trial to determine if a potential juror should be excused for reasons other than those specified above.

¶13 The clerk of court shall note the disqualifications and excuses within the Jury Management System (JMS) to ensure that the status of a prospective juror is current at all times.

¶14 Pursuant to North Dakota Supreme Court Administrative Rule 9, Jury Selection Plan (4), the Grand Forks County Clerk of Court has been designated by the Unit 1 Trial Court Administrator to provide support to the Rolette County Clerk of Court in the area of jury operations. As such, the Clerk of Court for Grand Forks County is authorized to act in accordance with this order and confer with the Rolette County Clerk of Court as is necessary and appropriate to conduct jury operations in support of Rolette County.

Dated at Devils Lake, North Dakota this 8th Day of June, 2021.



Donovan Foughty
Presiding Judge
Northeast Judicial District

Pc: Unit 1, Court Administrator
NEJD Clerks of Court
NEJD Judges
Rebecca Absey, Grand Forks County Clerk of Court